

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts Southern
District of Texas

FILED

April 9, 2021

United States of America

v.

Oscar Orlando Maldonado

Nathan Ochsner, Clerk of Court

Case No. **4:21mj0760**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 9, 2021 in the county of Colorado in the
Southern District of Te, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. §1324(a)(1)(A)(ii) and (v)
 (i)
 8 U.S.C. §1324(a)(1)(B)(i)

Conspiring with others knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law, for the purpose of commercial advantage or private financial gain.

This criminal complaint is based on these facts:

See attached affidavit

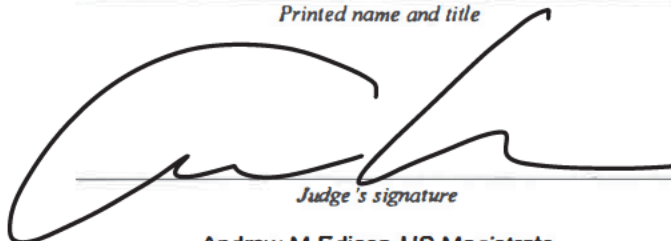
☒ Continued on the attached sheet.


Complainant's signature

Andrew J. Martin, Special Agent

Printed name and title

Sworn to before me telephonically.

Date: April 9, 2021City and state: Houston, Texas


Judge's signature

Andrew M Edison US Magistrate

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Attachment "A"

I, Andrew J. Martin, being first duly sworn, depose and state the following:


I, Special Agent (SA) Andrew J. Martin, am employed by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), in Houston, Texas (TX). I have been employed by ICE since March 2019. I have completed the Criminal Investigator Training Program and the Homeland Security Investigations (HSI) Special Agent Training at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to my assignment to HSI, I was a United States Border Patrol Agent for 4.5 years in Yuma, AZ and an Immigration Enforcement Agent for 3.5 years in Wichita, KS. I also spent 3.5 years as an adjudicator with U.S. Citizenship & Immigration Services.

1. On April 9, 2021, the Colorado County Sheriff's Office (CCSO) contacted Homeland Security Investigations (HSI) – Houston regarding a suspected human smuggling event in progress.
2. At approximately 0231 hours, CCSO responded to a concerned citizen's report located at 1006 Old Alleyton Rd, Alleyton, TX. The concerned citizen observed multiple individuals loading into the cab and bed of a large pickup located at a Valero gas station. The concerned citizen also observed the individuals in the bed using a blanket to conceal themselves. CCSO Deputies Robert Villanueva and Benjamin Melendez responded to the scene and spotted a white Ford F-350 in the area described by the concerned citizen. Deputy Villanueva then observed an individual, later identified as Oscar MALDONADO, walking back towards the F-350. Deputy Villanueva approached MALDONADO and asked for consent to take a look in the F-350. MALDONADO agreed and granted consent. Deputy Melendez detained MALDONADO while Deputy Villanueva approached the F-350 and observed a male sitting in the passenger seat along with a female squeezed on the floor of the passenger side front seat. Deputy Villanueva then observed 2 males and 2 females sitting in the back seat. The male sitting in the front seat rapidly exited the F-350 and took off running towards the Alleyton area. Deputy Villanueva and Deputy Melendez detained the remaining individuals in the front cab. Deputy Melendez then discovered 7 males hiding under a blanket in the bed of the F-350. Deputy Melendez and Deputy Villanueva detained all 7 of the males.

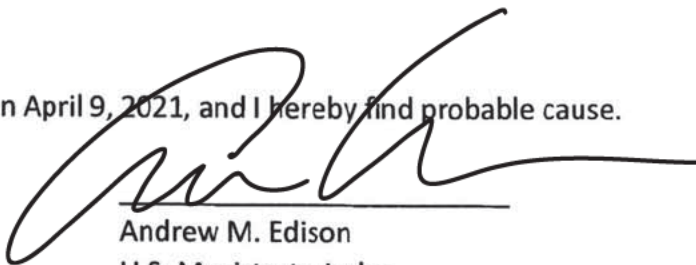
3. Deputy Villanueva and Deputy Melendez identified the male subjects by identification cards they had in their possession. The identification cards were issued from their home countries of Ecuador, El Salvador, Guatemala, Honduras and Mexico. The female subjects did not have identification in their possession. CCSO subsequently contacted Homeland Security Investigations (HSI) – Houston for further assistance. CCSO transported MALDONADO and the 12 other individuals to Colorado County Jail.
4. HSI – Houston Special Agents (SA) responded to the Colorado County Jail and conducted an immigration inspection of the individuals involved in the incident. It was determined that MALDONADO was a United States Citizen and that the 12 other occupants discovered in the F-350 were unlawfully present in the United States.
5. Upon completion of the initial immigration inspection, SAs took MALDONADO and the 12 occupants into custody and transported them to the Montgomery Processing Center, Conroe, Texas for booking and interviews.
6. Material witness Enma De Jesus Agosto Agosto , a citizen of Guatemala, left her country on February 8, 2021 in order to travel to the United States. Agosto illegally entered into the United States approximately 10 days ago near McAllen, TX. Agosto's intended destination in the United States was New York in order to live with her brother-in-law. Once smuggled into the United States, Agosto was picked up by a truck along with 5 other individuals and taken to a residence where 10 other individuals were already staying. Agosto remained at this residence for approximately 8 days and was confined to one room. Agosto was fed one or two times per day and did not observe any guards at the residence. Agosto and 7 others were then picked up by a truck at night and driven to a brushy area. Agosto and the 7 others then walked for 3 hours and were then picked up by a white pickup truck. Agosto sat inside the cab of the pickup for the entire trip and noted that the only stop made was at the gas station where the arrests occurred. Agosto positively identified MALDONADO as the driver from a six-photo lineup. Agosto claims her parents coordinated and paid for her trip. The smuggling fee was \$5000 and 100,000 quetzals. 60,000 quetzals are still owed.
7. Material witness Beverly Ivania De Paz Lopez, a citizen of Guatemala, left her country in February 14, 2021 to travel to the United States. De Paz's intended destination in the United States was California. Once smuggled into the United States, a truck picked up De Paz and drove her towards a brushy area. De Paz then walked for approximately 3 to 4 days and was eventually picked up by a white pickup truck. De Paz stated the white pickup truck she was in stopped at a gas station to get fuel and was then encountered by the authorities. De Paz saw the driver of the white pickup get arrested. De Paz

positively identified MALDONADO as the driver from a six-photo lineup. De Paz stated her father coordinated her trip to the United States and that she was told not to pay anything.

8. Material witness Guido Ortega Paraes, a citizen of Ecuador, left his country on April 7, 2021 to travel to the United States. Ortega's intended destination in the United States was New York. Ortega stated he found a person to help him cross the border illegally for \$1500. Once smuggled into the United States, Ortega walked for approximately 2 to 3 hours then waited in a brushy area for 15 minutes until a white pickup truck picked him up. Ortega stated it was the same pickup truck and same driver for the entire trip. Ortega stated that the driver was wearing a mask and a black baseball cap. Ortega described the driver as being chubby. Ortega stated that the driver's mask makes it difficult to determine which picture belonged to the driver when presented the six-photo lineup. Ortega selected two photos that looked like the driver. MALDONADO's photo was one of the two photos selected.
9. Based upon the evidence gathered from this investigation, I believe there is probable cause to believe that Oscar MALDONADO conspired with others knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, to transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law, for purpose of commercial advantage or private financial gain, in violation of 8 U.S.C. Sections 1324(a)(1)(A)(ii) and (v)(I), and 8 U.S.C. Section 1324(a)(1)(B)(i).


Special Agent Andrew J. Martin
Homeland Security Investigations
Houston, Texas

Sworn and subscribed telephonically on April 9, 2021, and I hereby find probable cause.


Andrew M. Edison
U.S. Magistrate Judge